

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

AMADIUS ARCHULETA

Case No.

22mj1202*Defendant(s)***FILED**United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 2, 2022 in the county of Taos in the
District of New Mexico, the defendant(s) violated:*Code Section*
18 U.S.C. §1153*Offense Description*
Offenses Committed Within Indian Country

18 U.S.C. §§ 2241(c) and 2246(2)(A) Aggravated Sexual Abuse

This criminal complaint is based on these facts:

See attached affidavit, which has been approved by AUSA Alexander Flores.

☒ Continued on the attached sheet.*Complainant's signature*

Adelfa Garcia, Special Agent

Printed name and title

Electronically signed and telephonically sworn.

Date: 07/21/2022*Judge's signature*City and state: Albuquerque, NM

Kirtan Khalsa United States Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA
Plaintiff,

VS.

AMADIUS ARCHULETA
Defendant.

Case No. _____

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Adelfa Garcia, being duly sworn, depose and state as follows:

INTRODUCTION

1. This affidavit is made in support of a Criminal Complaint for AMADIUS ARCHULETA, year of birth 2000 (referred to herein as "ARCHULETA").
2. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since July 2010. As such, I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I am authorized to investigate violations of Federal Criminal Law and possess the authority to execute warrants issued under the authority of the United States. I am currently assigned to the FBI's Albuquerque Division, Santa Fe Resident Agency. My duties at the Santa Fe Resident Agency include investigative responsibility for crimes that occur in Indian Country, to include violent crimes such as homicide, aggravated assault, and child sexual assault. During my employment with the FBI, I have conducted numerous investigations for suspected violations of federal law, including participating in violent felony

investigations. I have received training in how to conduct complex investigations and I have participated in the execution of arrest warrants in the past.

3. The information set forth in this affidavit has been derived from an investigation conducted by the Santa Fe Resident Agency of the FBI and the Taos Pueblo Department of Public Safety.
4. Based on the facts set forth in this affidavit, there is probable cause to believe there were violations to 18 U.S.C. §1153, Offenses Committed Within Indian Country, and 18 U.S.C. §§ 2241(c) and 2246(2)(A), Aggravated Sexual Abuse.
5. The statements contained in this affidavit are based upon my investigation, training, and experience, as well as information provided by other law enforcement officers or from other reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to support a criminal complaint against ARCHULETA, for violations of 18 U.S.C. § 1153, Offenses Committed Within Indian Country; and 18 U.S.C. §§ 2241(c) and 2246(2)(A), Aggravated Sexual Abuse.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

6. On July 3, 2022, the FBI Santa Fe Resident Agency received a referral from Taos Pueblo related to the sexual assault of K.R. (herein after referred to as "JANE DOE"), YOB 2008. K.R. was 14 years of age at the time of the incident.
7. The Taos Pueblo Department of Public Services (herein after referred to as "TPDPS") Affidavit provided that on July 2, 2022, TPDPS officers responded to JANE DOE's home address after her father called TPDPS to report JANE DOE was highly intoxicated

and out of control. When TPDPS officers arrived at the residence, JANE DOE appeared to be under the influence of drugs and/or alcohol. JANE DOE did not want to speak in front of her parents or the male officers at the residence. A TPDPS female officer obtained permission from JANE DOE's parents to speak to her in private. JANE DOE told the female officer that she and a male she met on Instagram (later identified as AMADIUS ARCHULETA), walked to an abandoned house near JANE DOE's residence to smoke weed and hang out. Once inside the residence, ARCHULETA began kissing JANE DOE and then raped her.

8. JANE DOE was transported to Holy Cross Hospital in Taos for an evaluation. JANE DOE insisted the female officer stay with her and appeared to be afraid of the male EMTs and officers. JANE DOE was distraught and crying at the hospital and insisted she had not drunk alcohol but had smoked weed and the weed had to be laced with something. She was consistent about the sexual assault and made utterances about being in an abandoned building where a male had penetrated her vagina and she had told him no. JANE DOE also stated the male had held her arms down and covered her mouth when she tried to scream for help. At the time, JANE DOE could not recall the male's name, but knew he had long hair and brown eyes.
9. TPDPS officers obtained permission to look at JANE DOE's Instagram messages on her phone. One message sent to one of her friends that night said, "if I go missing, I'm with Amadius Archuleta." The next message down was a message thread between JANE DOE and Instagram user, Amadius Archuleta. The messages were from earlier in the evening, between 10:30 and 10:37 PM, and talked about meeting up by the ash pile near the Pueblo. ARCHULETA sent a message to JANE DOE at 10:37 PM saying "I'm

here". TPDPS officers then asked JANE DOE about ARCHULETA and JANE DOE said that is who she was with, and he was the one who hurt her.

10. JANE DOE said ARCHULETA had asked to follow her on Instagram earlier that day and they had decided to meet up to smoke weed. JANE DOE believed ARCHULETA's intentions were to smoke weed and hang out. When they went into the abandoned house, ARCHULETA started to kiss JANE DOE and then held her down by her arms and covered her mouth. ARCHULETA put his penis in JANE DOE's vagina and ejaculated inside of her. JANE DOE stated she had told ARCHULETA she had just had a birthday and had turned 14 years old. JANE DOE had a large hickey on her neck and one on her breast.
11. TPDPS officers looked up AMADIUS ARCHULETA and identified him as having a July 3, 2000 birth date making him 21 years old at the time of the incident. Officers also determined ARCHULETA's father used to live at the abandoned house where the alleged sexual assault took place. At the location, TPDPS officers found an almost empty bottle of Pink Whitney vodka on the floor, near a bunk bed JANE DOE had described, and JANE DOES's headphones and lighter.
12. A TPDPS officer transported JANE DOE from the hospital to Solace Crisis Treatment Center in Santa Fe for a sexual assault exam. The examiner found vaginal tearing consistent with penetration and JANE DOE's disclosure.
13. While at Solace, JANE DOE gave a statement to TPDPS officer and to the examiner. At the time of her statement JANE DOE was sober and coherent. She stated she had met with ARCHULETA, and they had walked to the abandoned house to smoke weed. While there, ARCHULETA began to kiss JANE DOE and she told him to stop. ARCHULETA

then took off his pants and JANE DOE's pants while he held her down on the bed.

AMADIUS penetrated JANE DOE's vagina with his penis and held her arms down.

JANE DOE told him to stop and tried to scream for her dogs, but he covered her mouth with his hand. AMADIUS ejaculated inside JANE DOE and then got off her and walked

outside. JANE DOE said she was so scared she could not move. ARCHULETA then came back inside and walked JANE DOE home. JANE DOE stated she had not had any

alcohol the night of the assault. She said she had consumed a pink drink and Red Bull.

The TPDPS officer noted in her complaint the pink vodka found at the scene of the assault was very sweet and it was possible JANE DOE had not known it was an alcoholic beverage.

14. The evening of the SANE exam, the TPDPS officer received a call from JANE DOE's father stating JANE DOE had taken 25 to 27 sleeping pills and had left a note saying, "I took all the sleeping pills my body is somewhere by the river I love you all". JANE DOE was found by TPDPS and taken to the hospital. While they waited for an ambulance, JANE DOE said she just wanted to die. She saw ARCHULETA drive by and panicked. She said he was going to get her. JANE DOE has since recovered.
15. On 07/19/2022, JANE DOE was interviewed by a forensic interviewer at the Santa Fe Resident Agency. During the Interview, JANE DOE disclosed further details of her assault. JANE DOE stated when she and ARCHULETA went into the abandoned house, there were two beds, one large bed, which had broken glass on it, and a bunk bed on another side of the room. ARCHULETA led JANE DOE to the bunk bed. ARCHULETA gave JANE DOE a fruity drink out of a bottle, it was too dark for JANE DOE to see what it was. At the time, JANE DOE did not think it was alcohol because the

drink tasted like juice and ARCHULETA also had a Red Bull. They sat and smoked on the bunk for a while and at some point, ARCHULETA began kissing JANE DOE. He laid her down on the bed and kissed her breast under her clothes. ARCHULETA then tried to pull JANE DOE's pants down, but she told him to stop. ARCHULETA had his pants and underwear halfway down and grabbed JANE DOE's hand and put it on his penis. He used JANE DOE's hand to stroke his penis in an up and down motion.

ARCHULETA then tried again to pull JANE DOE's pants down. JANE DOE tried to say no again but ARCHULETA put his hand over her mouth and told her to shush.

ARCHULETA got one of JANE DOE's shoes off and then her pant leg off.

ARCHULETA then penetrated JANE DOE with his penis. JANE DOE said she felt like it lasted about 30 minutes. ARCHULETA said to JANE DOE, "I'm gonna cum in you."

ARCHULETA was moving fast and asked JANE DOE if she wanted him to go slower.

JANE DOE was too scared to move or say anything and ARCHULETA's hand was still over her mouth so she could not say anything. When he was finished, ARCHULETA got

off JANE DOE. JANE DOE tried to get up and felt really dizzy. JANE DOE had

misplaced her phone at some point after they got to the abandoned house but now, she

saw ARCHULETA had it in his pocket. During the assault, JANE DOE saw

ARCHULETA's phone was on the bunk bed near her. She could see the light from the

phone but did not know why the phone was lighting up. ARCHULETA reached out for

the phone and the light was turned off.

16. At the time of the assault, JANE DOE was at least four(4) years younger than

ARCHULETA.

JURISDICTIONAL STATEMENT

17. The sexual assault by ARCHULETA of JANE DOE was committed within the exterior boundaries of Taos Pueblo, which is Indian Country for purposes of federal law.
18. JANE DOE is an enrolled member of Taos Pueblo, and an Indian for purposes of federal law.
19. ARCHULETA is an enrolled member of the Taos Pueblo, and an Indian for purposes of federal law.

CONCLUSION

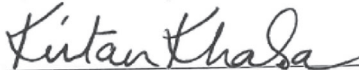
20. In summary, based on the above information, I believe there is probable cause to believe ARCHULETA committed violations to 18 U.S.C. § 1153, Offenses Committed Within Indian Country; and 18 U.S.C. §§ 2241(c) and 2246(2)(A), Aggravated Sexual Abuse, on the late hours of July 2, 2022, in the District of New Mexico. JANE DOE was 14 years old at the time of the alleged offence.
21. This affidavit has been reviewed by Assistant United States Attorney Alexander Flores.
- I swear that this information is true and correct to the best of my knowledge.

Respectfully submitted,



Adelfa Garcia
Special Agent
Federal Bureau of Investigation

Electronically Submitted and Telephonically Sworn on July 21, 2022:



THE HONORABLE Kirtan Khalsa
UNITED STATES MAGISTRATE JUDGE